

Washington State Human Rights Commission

**Minutes of
August 26, 2005**

Olympia, WA

ATTENDANCE

Commissioners: J. Reiko Callner, Commission Chair; Ellis Casson; Dallas Barnes (by phone); Deborah Sioux Lee; and Jerry Hebert. A quorum was present.

Staff: Marc Brenman, Executive Director; Tanya Calahan, Executive Assistant to the Commissioners; Idolina Reta, Special Assistant; and Traci Friedl, Assistant Attorney General.

Guests: Kim Tanaka, Governor's Office; Mike Brock, Governor's Labor Relations Office; and Greg Overstreet, Office of the Attorney General.

(Audio tape one – side one)

OPENING AND WELCOME

Commissioner Callner called the meeting to order at 9:05 a.m.

BRIEFING ON COLLECTIVE BARGAINING AGREEMENT

Mike Brock of the Governor's Labor Relations Office provided a briefing on the Collective Bargaining Agreement (CBA). This new CBA was passed under the new Civil Service Reform.

APPROVAL OF MINUTES

The Commissioners considered the minutes of the June 24, 2005. On page five, the statement regarding the "Board of Regents" should state "committee" instead of "committed." Under the discussion about "Complaints about the Complaint Process," the language regarding inquiries on "sexual orientation" and "less than eight (8)" should be clarified to read: "inquiries that are received from employees of employers with fewer

than eight employees and inquiries received from individuals regarding discrimination based on sexual orientation.” With those noted amendments, Commissioner Casson made a motion to approve the minutes. Commissioner Lee seconded the motion. MOTION CARRIED.

The Commissioners next considered the minutes of the June 23, 2005 meeting. Commissioner Hebert made a motion to approve the minutes. Commissioner Lee seconded the motion. MOTION CARRIED.

The Commissioners next considered the minutes of the July 22, 2005 meeting. Commissioner Callner noted that she was not present for this meeting. However, she expressed concern regarding statements made regarding her in her absence. She noted that her concerns were addressed in a subsequent special meeting to the satisfaction of those involved. Commissioner Casson then made a motion to approve the minutes. Commissioner Lee seconded the motion. MOTION CARRIED.

APPROVAL OF CASE CLOSURES

The Commissioners considered case closures. Commissioner Hebert made a motion to approve the case closures. Commissioner Lee seconded the motion. Discussion then ensued. The Commissioners agreed to set aside the Stoops v. Starwest Satellite case. The Commissioners tabled Flagg v. Brookstone Apartments pre finding settlement agreement until later in the day.

Commissioner Lee asked about the Luu v. National Car Rental case. The language in the finding is unclear. The Commissioners agreed to set the no reasonable cause finding in this case aside.

Commissioner Callner highlighted various case questions that she sent via email. After discussion, the previous motion was amended to approve case closures with the exception of Luu v. National Car Rental so staff can clarify statements regarding retaliation and Stoops v. Starwest Satellite to clarify the entire finding. The Commissioners approved Fonseca v. Emerald Heights under the condition that staff re-write the finding to clarify finding of fact number one (1). The Commissioners agreed that staff should prepare Technical Assistance Advisories in the following cases: Thomas v. Georgetown Inn; Guterrez v. PDG Environmental, Inc; and Ochoa v. Marquez Mfg. MOTION CARRIED.

(Audio tape one – side two)

TRAINING ON OPEN PUBLIC MEETINGS ACT

Assistant Attorney General Greg Overstreet provided an overview of the Open Public Meetings Act (OPMA), RCW 42.30. He highlighted a Powerpoint presentation that he prepared for the Commissioners.

Mr. Overstreet highlighted various areas that affect how the Commissioners conduct business. He spoke about the history and purpose of the OPMA.

RECONSIDERATIONS

Bruce Redding provided a summary of the following petitions for reconsideration. The Commissioners then discussed the cases and voted to grant or deny the petitions.

Buchmeier v. Snohomish County Prosecuting Attorney. Commissioner Callner made a motion to deny the petition for reconsideration. Commissioner Hebert seconded the motion. MOTION CARRIED.

Buddrius v. Pend Orielle County FDP #6. In item number six under the analysis of the petition for reconsideration, Commissioner Callner took exception to the “severe and pervasive” standard on a single isolated incident.

Commissioner Casson then made a motion to deny the petition. Commissioner Lee seconded the motion. MOTION CARRIED.

San Cartier v. Black Angus. Commissioner Callner made a motion to deny reopening the administrative closure. Commissioner Casson seconded the motion. Commissioner Lee abstained because she had not reviewed the case. MOTION CARRIED.

Williams v. McDonald’s. Commissioner Hebert made a motion to deny the petition. Commissioner Casson seconded the motion. Commissioner Lee abstained because she had not reviewed the case. MOTION CARRIED.

CASE CLOSURES CONT.,

The Commissioners considered the Flagg v. Brookstone Apartments case that they set aside earlier in the day so they could review the terms of the settlement agreement. Commissioner Callner acknowledged Investigator Laurie Rasmussen’s exceptional work on the case. Commissioner Callner made a motion to approve the settlement agreement. Commissioner Casson seconded the motion. Commissioner Barnes abstained because he did not review the finding. MOTION CARRIED.

(Audio tape two – side two)

EXECUTIVE DIRECTOR'S REPORT

Marc Brenman noted additional updates since he prepared his report.

A recent tort claim was filed against the agency. Also, the agency received an inquiry regarding Brownie's Tavern in Tacoma, which has predominately African American clientele.

The agency received a complaint against Washington State University from the person at the core of the recent Task Force Report. The case will be referred to another civil rights agency because of the involvement of the Chairperson and executive director on the Task Force

There was discussion about the process for application review and interviewing the top 12 candidates for deputy director of the agency.

(Audio tape three – side one)

Extensive discussion took place about the process for hiring and interviewing deputy director candidates. Commissioners Lee and Callner will review the applications of the top 12 candidates.

OPERATIONS MANAGERS SALARIES

Next on the agenda was a discussion about the salary for the operations managers in Eastern Washington and Seattle. Assistant Attorney General Traci Friedl noted that the pay can't be retroactive under the State Constitution. Marc Brenman expressed a desire to raise the salary for the two current operations managers to the level of the previous operations managers. Mr. Brenman shared written comments from Operations Managers Sharon Ortiz and Jerry Lee on the matter.

Commissioner Hebert then made a motion to approve a monthly salary of \$5136 for Operations Managers Jerry Lee and Sharon Ortiz, effective June 24, 2005, the date of their new assignments as previously agreed. Commissioner Barnes abstained. MOTION CARRIED.

EXECUTIVE DIRECTOR COST OF LIVING ADJUSTMENT

Commissioner Casson made a motion to approve the cost of living adjustment for the Executive Director. Commissioner Hebert seconded the motion. MOTION CARRIED.

DRAFT LETTER TO AGENCY EMPLOYEES FROM THE COMMISSIONERS

The second page on the draft letter should include language that provides a clearer explanation regarding the executive director's professional development coaching. Commissioner Callner will provide the specific wording to Tanya Calahan prior to distribution. Commissioner Casson made a motion to approve the letter with the amendment. Commissioner Lee seconded the motion. Commissioner Barnes voted no. MOTION CARRIED.

(Audio tape three – side two)

EXECUTIVE SESSION

The Commissioners entered executive session at 4:55 p.m. to review qualifications of applicants for public employment.

ADJOURN

There being no further business, the meeting adjourned at 5:05 p.m.

Respectfully submitted,

Tanya Y. Calahan
Executive Assistant to the Commissioners